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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BB's Deli, LLC,

Complainant,

vs.

San Diego Gas & Electric Company
(U902E),

Defendant.

Case 16-04-009
(Filed April 12, 2016)

E-MAIL RULING GRANTING EXTENSION OF TIME TO FILE REPLY

Dated August 23, 2016, at San Francisco, California.

/s/ PATRICIA B. MILES

Patricia B. Miles
Administrative Law Judge

From: Miles, Patricia

Sent: Tuesday, August 23, 2016 3:43 PM

To: NABLawFirm@gmail.com; MCaulson@SempraUtilities.com; CLim@semprautilities.com; LFV.NABLawFirm@gmail.com; MV.NABLawFirm@gmail.com; Liddell@EnergyAttorney.com; Miles, Patricia

Cc: Chaset, Nicolas L.; Murtishaw, Scott; ALJ Docket Office; ALJ STAR; Duda, Dorothy; Smith, Richard

Subject: C.16-04-009 BB's Deli, LLC v SDG&E - EMAIL RULING GRANTING EXTENSION OF TIME TO FILE REPLY

TO ALL PARTIES ON THE OFFICIAL ADDRESS LIST:

This email ruling grants the request received today from San Diego Gas and Electric Company (SDG&E) for an extension of time to file its reply under Rule 11.1(f).

Procedural Background

SDG&E filed a Motion for Summary Judgment on July 8, 2016. Under Rule 11.1(e), responses to written motions are to be filed and served within 15 days of the date the motion was served...unless the Administrative Law Judge sets a different date.

On July 20, counsel for BB's Deli requested, and was granted under Rule 11.1(e), an extension of time to August 12, to file its response to the Motion for Summary Judgment (an extension of 18 days, because the response otherwise would have been due July 25).

Under Rule 11.1(f), the moving party may reply to a response to its motion within 10 days of the last day for filing a response. Under the rule, SDG&E was required to file a response by August 22, however, the ALJ set close of business August 26 as the due date for SDG&E's reply.

On August 16, counsel for BB's Deli advised the ALJ that, "inadvertently" SDG&E was not served with its response opposing the Motion for Summary Judgment on August 12, although the response was filed with the Commission. Because SDG&E was not served, and the response was not published on the docket card until August 16, SDG&E requests additional time to reply. I note that, the August 26 due date set in my prior ruling, satisfies the 10 day requirement under the Rule (since it is fair to assume that SDG&E could see the reply on the publication date).

Nevertheless, because BB's Deli was granted an extension of 18 days total to file its response to the Motion for Summary Judgment, I will grant SDG&E an equivalent period in the interest of fairness.

SDG&E's reply must be filed and served by close of business on **Tuesday, September 6**. SDG&E should strictly adhere to Rule 11.1(f) and state in the opening paragraph of its reply, that the ALJ has authorized the filing. No further extensions will be granted to either party with respect to the Motion for Summary Judgment.

IT IS SO RULED. The Docket Office shall formally file this ruling.

*Patricia B. Miles
Administrative Law Judge
California Public Utilities Commission*

ALJ Division Vision: Just, reasoned, efficient, and innovative resolution of matters in a manner that ensures integrity, due process and transparency, and respects the dignity of all participants.



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